

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
CASE MANAGEMENT CONFERENCE MINUTE ORDER
HON. WILLIAM J. ELFVING

PAGE: 1

Order: _____ Clerk: PAUL JENKINS Bailiff: RICHARD ALLEN

10/23/01 Tuesday Dept: 02

10:01 AM Case: CV797607 LANDMARK v DOES 1 THRU 10
Type: CIVIL COMPLAINT Date Filed: 04/18/01
Event: CASE MANAGEMENT CONFERENCE - RESET
FROM 8-14-01
Event Disp: 8/23/01 VACATED; DISMISSAL FILED 8-15-01

LNTFF: LANDMARK EDUCATION CORPORATION ATTY: GRAY CARY WARE & FREIDENRICH
DEFT: DOES 1 THROUGH 10

=====CMC09
NO APPEARANCE; SET OSC: Dismissal next available date; court to notice.
PRESENT IN COURT: SEE NAMES CHECKED ABOVE.
NO APPEARANCE;

THE COURT ORDERS THIS CASE:

Set for further CMC on ____/____/____ at ☐ 10 am ☐ 11 am

OR: ☐ Designated a Judicial Arbitration Case per Rule 6, sec. F4(c)(iii)

☐ to be at issue _____.

☐ to Judicial Arbitration ☐ Ordered to ☐ all parties stip to

☐ To non-judicial arbitration per stip. ☐ Uninsured Motorist.

☐ Referred to mediation per agreement of parties under CCP638.

STAYED pursuant to CCP1281.4 pending contractual arbitration/mediation.

☐ Discovery to remain open until ☐ 30 ☐ _____ days before trial.

☐ SETTLEMENT reported ☐ unconditional ☐ conditional ☐ in progress

☐ SET FOR 225 Dismissal ☐ next available date ☐ _____

☐ TRIAL: ☐ Court ☐ Jury Trial ____/____/____ 8:45 am; Nbr days ____

Jury demanded by _____ Reserved by _____

Settlement Conf. on Wed. prior to trial ☐ No further settlement

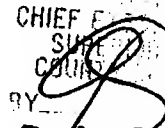
☐ Court declares case to be a ☐ Class 1 ☐ Class 2 ☐ Class 3 action.

☐ Set for _____ on ____/____/____/ at ____ am/pm

☐ NOTICE: ☐ WAIVED ☐ BY COURT ☐ BY _____

☐ ARBITRATION EXTENSION granted for ☐ 30 ☐ 60 ☐ 90 ☐ _____ days.

☐ OTHER: _____

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVID H. DOLKAS (SBN #111080) MEGAN R. WHYMAN (SBN #191218) GRAY CARY WARE & FREIDENRICH LLP 1755 Embarcadero Road Palo Alto, CA 94303 ATTORNEY FOR (Name): Plaintiff</p> <p>TELEPHONE NO.: (650) 833-2000</p> <p>Insert name of court and name of judicial district and branch court, if any: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</p> <p>PLAINTIFF/PETITIONER: LANDMARK EDUCATION CORPORATION</p> <p>DEFENDANT/RESPONDENT: DOES 1 THROUGH 10</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>2001 AUG 14 PM 3:41</p> <p>CHIEF EXECUTIVE OFFICER/CLERK COURT OF CALIFORNIA COUNTY OF SANTA CLARA BY  Regina Guillermo DEPUTY</p> <p>CASE NUMBER: CV 797607</p>
<p style="text-align: center;">REQUEST FOR DISMISSAL</p> <p><input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death</p> <p><input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Family Law</p> <p><input type="checkbox"/> Eminent Domain</p> <p><input checked="" type="checkbox"/> Other (specify): Interference With Contractual Relations</p>	

— A conformed copy will not be returned by the clerk unless a method of return is provided with the document. —

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☐ With prejudice (2) ☒ Without prejudice
- b. (1) ☒ Complaint (2) ☐ Petition
- (3) ☐ Cross-complaint filed by (name):
- (4) ☐ Cross-complaint filed by (name):
- (5) ☐ Entire action of all parties and all causes of action
- (6) ☐ Other (specify):*

on (date):
on (date):

Date: August 14, 2001

MEGAN. R. WHYMAN

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

 (SIGNATURE)

Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-complainant

2. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

** If a cross-complaint - Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

 (SIGNATURE)

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-complainant

(To be completed by clerk)

AUG 14 2001

3. ☒ Dismissal entered as requested on (date):
4. ☐ Dismissal entered on (date): as to only (name):
5. ☐ Dismissal not entered as requested for the following reasons (specify):
6. ☒ a. Attorney or party without attorney notified on (date): **AUG 14 2001**
- b. Attorney or party without attorney not notified. Filing party failed to provide
- ☐ a copy to conform ☐ means to return conformed

Date:

AUG 14 2001

KIRI TORRE
CHIEF EXECUTIVE OFFICER/CLERK

Clerk, by

 **Regina Guillermo**, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
CASE MANAGEMENT CONFERENCE MINUTE ORDER
A.D.R. ADMINISTRATOR E. STRICKLAND

PAGE: 1

Reporter: _____ Clerk: DIANE GRECO Bailiff: RICHARD ALLEN

For: 8/14/01 Tuesday Dept: 02

24. 3:00 PM Case: CV797607 LANDMARK v DOES 1 THRU 10
Type: CIVIL COMPLAINT Date Filed: 04/18/01
Event: CASE MANAGEMENT CONFERENCE
Event Disp: 6/13/01 VACATED; RESCHED TO 10-23-01 @ 10/ORDER

PLNTFF: LANDMARK EDUCATION CORPORATION ATTY: GRAY CARY WARE & FREIDENRICH
DEFT: DOES 1 THROUGH 10

=====CMC09

☐ NO APPEARANCE; SET OSC: Dismissal next available date; court to notice.
PRESENT IN COURT: SEE NAMES CHECKED ABOVE.

☐ NO APPEARANCE;

THE COURT ORDERS THIS CASE:

☐ Set for further CMC on ____/____/____ at ☐ 10 am ☐ 11 am

ADR: ☐ Designated a Judicial Arbitration Case per Rule 6, sec. F4(c)(iii)

☐ to be at issue _____.

☐ to Judicial Arbitration ☐ Ordered to ☐ all parties stip to

☐ To non-judicial arbitration per stip. ☐ Uninsured Motorist.

☐ Referred to mediation per agreement of parties under CCP638.

STAYED pursuant to CCP1281.4 pending contractual arbitration/mediation.

☐ Discovery to remain open until ☐ 30 ☐ _____ days before trial.

☐ SETTLEMENT reported ☐ unconditional ☐ conditional ☐ in progress

☐ SET FOR 225 Dismissal ☐ next available date ☐ _____

☐ TRIAL: ☐ Court ☐ Jury Trial ____/____/____ 8:45 am; Nbr days ____

Jury demanded by _____ Reserved by _____

Settlement Conf. on Wed. prior to trial ☐ No further settlement

☐ Court declares case to be a ☐ Class 1 ☐ Class 2 ☐ Class 3 action.

☐ Set for _____ on ____/____/____/ at _____ am/pm

☐ NOTICE: ☐ WAIVED ☐ BY COURT ☐ BY _____

☐ ARBITRATION EXTENSION granted for ☐ 30 ☐ 60 ☐ 90 ☐ _____ days.

☐ OTHER: _____

FILED

2001 JUN 13 AM 8:32

KIRI TORRE
CHIEF EXEC. OFFICER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
Rose Mary Lee
Rose Mary Lee

CMS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

LANDMARK EDUCATION
CORPORATION, a California corporation

Plaintiff,

v.

DOES 1 through 10,

Defendants.

CASE NO. CV 797607

um
~~PROPOSED~~ ORDER CONTINUING TIME
TO FILE PROOF OF SERVICE AND CASE
MANAGEMENT CONFERENCE

Date: June 13, 2001
Time: 8:30 a.m.

Complaint filed: April 18, 2001

The ex parte application of Plaintiff Landmark Education Corporation ("Landmark") was submitted before this Court on June 13, 2001, in Department 2 of the Santa Clara County Superior Court. Having considered argument by counsel, and good cause appearing:

IT IS HEREBY ORDERED, that the following dates have been continued:

Last day to file Proof of Service: 9-18-01

Date of Case Management Conference: 10-23-01

Dated: June 13, 2001

William J. Elfving
JUDGE OF THE SUPERIOR COURT

WILLIAM J. ELFVING

1 DAVID HENRY DOLKAS (Bar No. 111080)
2 MEGAN R. WHYMAN (Bar No. 191218)
3 GRAY CARY WARE & FREIDENRICH LLP
1755 Embarcadero Road
4 Palo Alto, CA 94303-3340
Tel: 650-320-7437
Fax: 650-320-7401

5 Attorneys for Plaintiff
6 Landmark Education Corporation

FILED

2001 JUN 13 AM 8:32

KIRI TORRE
CHIEF EXEC. OFFICER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY *RoseMary Lee*
RoseMary Lee

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

10 LANDMARK EDUCATION
11 CORPORATION, a California corporation,

12 Plaintiff,

13 v.

14 DOES 1 through 10,

15 Defendants.

CASE NO. CV 797607

**EX PARTE APPLICATION FOR ORDER
CONTINUING TIME TO FILE PROOF OF
SERVICE AND CASE MANAGEMENT
CONFERENCE**

Date: June 13, 2001

Time: 8:30 a.m.

Complaint filed: April 18, 2001

16 Plaintiff, LANDMARK EDUCATION CORPORATION ("Landmark") makes this *ex*
17 *parte* application for an order continuing for ninety (90) days the time for Landmark to file its
18 proof of service and the Case Management Conference in this matter, which currently is set for
19 August 14, 2001.

20 Despite Landmark's diligent efforts to identify the unknown Doe defendants in this
21 matter, additional time is required for Landmark to complete its investigation and identify, locate
22 and serve the defendants in this matter. Landmark's first subpoena in this matter, issued to
23 Yahoo!, Inc., provided information leading Landmark to issue a second subpoena to a small
24 internet service provider located in Las Vegas, Nevada. Due to the Nevada provider's very
25 limited resources, it has been slow to provide information to Landmark. In addition, Landmark
26 anticipates that additional subpoenas may be required before defendants' true names and
27 identities are known. Accordingly, significant additional time may be required in order for
28 Landmark to identify, locate and serve defendants in this matter.

1 For each of the foregoing reasons, Landmark respectfully requests that the Court enter the
2 proposed order submitted herewith.

3 Dated: June 12, 2001

4 Respectfully submitted,

5 GRAY CARY WARE & FREIDENRICH LLP

6
7 By 

8 MEGAN R. WHYMAN

9 Attorneys for Plaintiff

10 Landmark Education Corporation
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1 DAVID HENRY DOLKAS (Bar No. 111080)
MEGAN R. WHYMAN (Bar No. 191218)
2 GRAY CARY WARE & FREIDENRICH LLP
1755 Embarcadero Road
3 Palo Alto, CA 94303-3340
Tel: 650-320-7437
4 Fax: 650-320-7401

5 Attorneys for Plaintiff
LANDMARK EDUCATION CORPORATION
6
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
9

10 LANDMARK EDUCATION
CORPORATION,

11 Plaintiff,

12 v.

13 DOES 1 through 10,

14 Defendants.
15

CASE NO. 797607

**ORDER ISSUING DEPOSITION SUBPOENA
FOR PRODUCTION OF BUSINESS
RECORDS**

WITNESS: LAS VEGAS INTERNET

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a Deposition Subpoena
17 for Production of Business Records issue for documents relevant to the issues raised in this action
18 that will lead to the discovery of admissible information and evidence.

19 IT IS SO ORDERED.

20 Dated: May 4 2001
21
22

23 JUDGE OF THE SUPERIOR COURT

24 Joseph F. Blafore Jr.
25
26
27
28

1 DAVID HENRY DOLKAS (Bar No. 111080)
MEGAN R. WHYMAN (Bar No. 191218)
2 GRAY CARY WARE & FREIDENRICH LLP
1755 Embarcadero Road
3 Palo Alto, CA 94303-3340
Tel: 650-320-7437
4 Fax: 650-320-7401
5 Attorneys for Plaintiff
LANDMARK EDUCATION CORPORATION

FILED *cms*

2001 APR 19 AM 8:37

KIRI TORRE
CHIEF EXEC. OFFICER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
Maggie Castellon
Maggie Castellon

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

10 LANDMARK EDUCATION
11 CORPORATION,

12 Plaintiff,

13 v.

14 DOES 1 through 10,

15 Defendant.

CASE NO. CV 797607

[Signature]
**[PROPOSED] EX PARTE ORDER
AUTHORIZING EXPEDITED DISCOVERY**

Date: April 19, 2001
Time: 8:30 a.m.

Complaint Filed: April 18, 2001

17 Upon consideration of the *ex parte* application of Plaintiff Landmark Education
18 Corporation ("Plaintiff"), and upon consideration of the oral argument presented by Plaintiff, and
19 good cause appearing therefore, IT IS HEREBY ORDERED:

20 1. That, notwithstanding Code of Civil Procedure section 2025(b)(2), in order to
21 ascertain the true names of Defendants in this action, leave to immediately serve deposition
22 subpoenas for production of business records is hereby GRANTED; and

23 2. That, notwithstanding Code of Civil Procedure section 2020(d), Plaintiff's request
24 to command compliance within two (2) business days with subpoenas issued to Yahoo!, Inc., and
25 to Internet Service Providers ("ISP's") subsequently identified as potential sources of information
26 concerning the true names of Defendants, is hereby GRANTED.

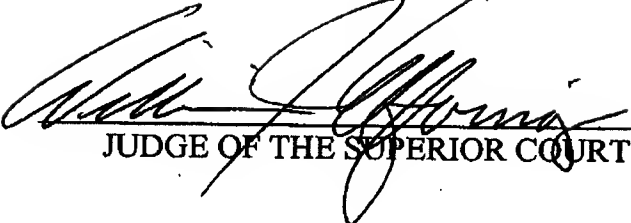
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IT IS SO ORDERED.

Dated: April 9, 2001


JUDGE OF THE SUPERIOR COURT

1 DAVID HENRY DOLKAS (Bar No. 111080)
MEGAN R. WHYMAN (Bar No. 191218)
2 GRAY CARY WARE & FREIDENRICH LLP
1755 Embarcadero Road
3 Palo Alto, CA 94303-3340
Tel: 650-320-7437
4 Fax: 650-320-7401

5 Attorneys for Plaintiff
LANDMARK EDUCATION CORPORATION
6
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
9

10 LANDMARK EDUCATION
CORPORATION,

11 Plaintiff,
12

13 v.
14

DOES 1 through 10,

15 Defendant.
16

CASE NO.

CV797607

COMPLAINT FOR INTENTIONAL
INTERFERENCE WITH CONTRACTUAL
RELATIONS

17 Plaintiff, LANDMARK EDUCATION CORPORATION, hereby alleges as follows:
18

PARTIES AND VENUE

19 1. Plaintiff LANDMARK EDUCATION CORPORATION ("Landmark") is, and at
20 all times mentioned herein was, a California corporation with its principal place of business in
21 San Francisco, California.

22 2. Plaintiff is informed and believes, and on that basis alleges, that one or more of the
23 Defendants are, and were at times relevant herein, either residents of the State of California,
24 doing business in the State of California, or otherwise engaging in activity creating sufficient
25 contact with the State of California to give rise to personal jurisdiction.

26 3. Plaintiff is informed and believes, and on that basis alleges, that venue is proper in
27 this County because at least one Defendant engaged in the conduct alleged herein within the
28

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FILED

2001 APR 18 PM 3:32

KIRI T. 1085
CHIEF CLERK / CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
JUDITH

1 County of Santa Clara and the Internet Service Provider hosting the statements alleged herein is
2 located in Santa Clara County.

3 4. Plaintiff is ignorant of the true names and capacities of the Defendants, who are
4 sued herein as Does 1 through 10 inclusive, and therefore sues these Defendants by fictitious
5 names. Plaintiff will amend this complaint to allege the Defendants' true names and capacities
6 when ascertained. Plaintiff is informed and believes, and on that basis alleges, that each of the
7 fictitiously named Defendants is responsible in some manner for the occurrences alleged herein,
8 and that Plaintiff's damages as herein alleged were caused by such Defendants.

9 5. Plaintiff is informed and believes, and on that basis alleges, that at all times
10 mentioned herein, each of the Defendants was the agent of each of the remaining Defendants, and
11 in doing the things hereinafter alleged, was acting within the course and scope of such agency and
12 with the permission and consent of the other Defendants.

13 6. Upon the identification and true identities of the Defendants, and each of them,
14 Plaintiff intends to amend this complaint to add additional allegations of fact, causes of action,
15 and requests for damages and other relief, as needed.

16 COMMON ALLEGATIONS

17 7. Plaintiff Landmark is informed and believes, and on that basis alleges, that
18 Defendants, or any of them, are seeking to harass and cause severe emotional distress to one of
19 Landmark's employees (the "Targeted Employee") by disseminating disparaging e-mail messages
20 under false pretenses.

21 8. Plaintiff has a contractual relationship with the Targeted Employee, who has been
22 subjected to harassment and severe emotional distress as a result of Defendants' actions.

23 9. Plaintiff is informed and believes, and on that basis alleges, that starting on or
24 about April 5, 2001, Defendants sent pornographic e-mail messages to a number of men posting
25 personal ads in the "Yahoo! Personals" section of Yahoo.com. The e-mail messages purport to be
26 authored by the Targeted Employee and provide the Targeted Employee's telephone numbers.
27 The e-mail messages further invite the recipients to call the Targeted Employee at the telephone
28 numbers listed in the e-mail message for the purpose of engaging in "phone sex."

10. The Targeted Employee did not author the e-mail messages described above, and has not authorized any person or entity to create or send such e-mail messages on her behalf.

11. Plaintiff is informed and believes, and on that basis alleges, that one or more of the Defendants has authored and disseminated the false and disparaging e-mails purporting to be authored by the Targeted Employee using a Yahoo.com e-mail account alias, which alias incorporates the name of the Targeted Employee.

FIRST CAUSE OF ACTION

(Intentional Interference with Contractual Relations)

(Against All Defendants)

12. Plaintiff realleges and incorporates paragraphs 1 through 12 as though fully set forth herein.

13. The Targeted Employee has suffered harassing telephone calls and severe emotional distress as a direct result of Defendants' actions. As a result of such harassment and emotional distress, the Targeted Employee has been unable to fully perform her work duties and thus Plaintiff's business has been negatively impacted by Defendants' actions.

14. Plaintiff is informed and believes, and on that basis alleges, that Defendants have intentionally engaged in the activities described herein for the purpose of interfering with the contractual relationship between Plaintiff and the Targeted Employee, among other reasons.

15. Plaintiff is informed and believes, and on that basis alleges, that Defendants will post additional false and disparaging e-mail messages concerning the Targeted Employee unless they are enjoined from doing so by the Court.

16. Plaintiff is informed and believes, and on that basis alleges, that Defendants will harass and disparage the Targeted Employee through other means (in addition to e-mail messages) unless they are enjoined from doing so by the Court.

17. Plaintiff is informed and believes, and on that basis alleges, that further harassing and/or disparaging actions toward the Targeted Employee by Defendants will further disrupt Plaintiff's business by continuing to prevent the Targeted Employee from performing her duties.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:


1. An injunction that Defendants refrain from the unlawful and disparaging acts and intentional interference alleged above;
2. For damages according to proof at the time of trial, but believed to be in excess of \$50,000;
3. Costs of suit; and
4. For such other and further relief as the court deems proper.

Dated: April 18, 2001

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

By


DAVID HENRY DOLKAS
MEGAN R. WHYMAN
Attorneys for Plaintiff
LANDMARK EDUCATION CORPORATION

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DAVID HENRY DOLKAS (SBN 111080) MEGAN R. WHYMAN (SBN 191218) GRAY CARY WARE & FREIDENRICH 1755 Embarcadero Road Palo Alto, CA 94303-3340 TELEPHONE NO.: 650-320-7437 FAX NO.: 650-320-7401 ATTORNEY FOR (Name) Plaintiff		FOR COURT USE ONLY FILED 2001 APR 18 PM 3:31 KIRI TORRE CHIEF EXEC. OFFICER/CLERK SUPERIOR COURT OF CA COUNTY OF SANTA CLARA Case No. CV 797607
INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY: Santa Clara County Superior Court		
CASE NAME: LANDMARK EDUCATION CORPORATION v. DOES 1 through 10		
CIVIL CASE COVER SHEET <input type="checkbox"/> Limited <input checked="" type="checkbox"/> Unlimited	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	CASE NUMBER CV 797607 ASSIGNED JUDGE

Please complete all five (5) items below.

1. Check one box below for the case type that best describes this case:

<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/DWD (23) <input type="checkbox"/> Non-P/DP/DWD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (e.g., discrimination, false arrest) (08) <input type="checkbox"/> Defamation (e.g., slander, libel) (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (e.g., legal malpractice) (25) <input type="checkbox"/> Other non-P/DP/DWD tort (35) <input type="checkbox"/> Employment <input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Other employment (15) <input type="checkbox"/> Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (e.g., money owed, open book accounts) (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <input type="checkbox"/> Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (e.g., quiet title) (26) <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <input type="checkbox"/> Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11)	<input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) <input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Claims involving mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Toxic tort/Environmental (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (e.g., sister state, foreign, out-of-county abstracts) (20) <input type="checkbox"/> Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <input type="checkbox"/> Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial post-disposition judicial disposition

3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

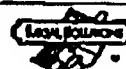
Date: April 19, 2001

MEGAN R. WHYMAN
 (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 982.2.)
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CASE NUMBER: **CV797607**

NOTICE TO LITIGANTS

1. Service. Timely filing and service of pleadings is required. A copy of this notice, the attached *ADR Information Sheet*, and a *Case Management Conference Questionnaire and At-Issue Memorandum* shall be served with a complaint or cross-complaint. (Local Rule 1.1C)

2. Rules and Forms. All parties are required to know the Local and State Rules of Court and to use proper forms. State Rules and Judicial Council forms are available on the Internet: www.courtinfo.ca.gov/forms or [rules](http://www.courtinfo.ca.gov/rules). All forms and local rules may be purchased through:

Forms and Local Rules:
Rose Printing Company
49 North First Street
San Jose, CA 95113
408-293-8177

Local Rules:
San Jose Post-Record
90 North First Street, Suite 100
San Jose, CA 95113
408-287-4866

3. Assignment. Your case has been assigned to Judge Elfving,
Dept. 2 for all purposes, except trial.

4. Case Management Conference. The Case Management Conference has been scheduled as follows: Before the ADR Administrator Before your Assigned Judge

DATE:	AUG 1st 2001	TIME: 3:00 p.m.	DEPT.: 2
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Parties are required to meet and confer no later than 30 calendar days before the Case Management Conference. A completed *Case Management Questionnaire and At-Issue Memorandum* stating that the parties have met as required shall be filed and served at least 5 calendar days before the Case Management Conference. (California Rule of Court 212)

Counsel for each party and each party appearing in propria persona shall attend the Case Management Conference and shall be familiar with the case and be fully prepared to discuss all pre-trial matters stated in Local Rule 1.1F(4) including alternative dispute resolution (ADR) [Local Rule 1.1F(2)]. The Court shall evaluate each case as provided in California Rules of Court, Rule 2106 and make appropriate pre-trial orders. [Local Rule 1.1F(4)]

5. Requirements for Voluntary Alternative Dispute Resolution (ADR). Within 20 calendar days of a stipulation to voluntary ADR, the parties shall agree on a provider and on an ADR date. The parties shall confer with the ADR Administrator (408-299-3090) if they cannot agree on a provider. In any event, within the same 20-day period, plaintiff's counsel shall complete and submit to the ADR Administrator an *ADR Notice*, advising the ADR Administrator of the name of the ADR provider and the ADR date. [Local Rule 1.1E(4)]

6. Sanctions. Parties and counsel who fail to comply with the above Local Rules will be subject to the imposition of sanctions. (California Rules of Court, Rule 227 and Local Rule 1.1N)